

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
MAY 4 2005
CLERK OF COURT
DISTRICT OF MASSACHUSETTS
2:05-cv-10192

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Civil Action No.05-10192-RWZ
ONE STAR CLASS SLOOP SAILBOAT)
BUILT IN 1930 WITH HULL NUMBER 721,)
NAMED "FLASH II,")
Defendant.)

**AFFIDAVIT IN SUPPORT OF MOTION
FOR ENTRY OF DEFAULT**

I, Shelby D. Wright, state under oath as follows:

1. I am an Assistant United States Attorney. I represent the plaintiff, the United States of America, in this case. This is an action in rem for forfeiture of the defendant sailboat, identified as one Star Class Sloop Sailboat built in 1930 with hull number 721, named "Flash II" and once owned by President John F. Kennedy and Joseph P. Kennedy (the "Sailboat"). Accordingly, this action is governed by the procedures set forth in the Federal Rules of Civil Procedure and in Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims.

2. The Sailboat is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a)(6), as it constitutes property derived from proceeds obtained, directly or indirectly, as the result of narcotics distribution, in violation of the provisions of Title 21 of the United States Code (the "Controlled Substances Act").

3. The Complaint for Forfeiture in Rem (the "Complaint"),

was filed on or about February 1, 2005.

4. This Court issued a Warrant and Monition on or about February 4, 2005, directing the United States Marshal for the District of Massachusetts, to give notice to all persons concerned that a Complaint in Rem had been filed.

5. Publication of the Complaint and Warrant and Monition was made in the Boston Herald newspaper on February 15, February 22, and March 1, 2005. A copy of the process receipt and return for publication, executed by United States Marshals Service, is attached as Exhibit A.

6. Gregory Olaf Anderson was served with a certified copy of the Complaint and Warrant and Monition at his residential address, 321 West Arcade Avenue, Clewiston, Florida 33440. A copy of the receipt and return for service is attached as Exhibit B. Gregory Olaf Anderson did not file either a verified claim or answer to the Complaint.

7. Ralph Anderson was served with a certified copy of the Complaint and Warrant and Monition at his business address, Marblehead Trading Company, 89 Front Street, Marblehead, Massachusetts 01945. A copy of the receipt and return for service is attached as Exhibit C. Ralph Anderson did not file either a verified claim or answer to the Complaint.

8. Harry E. Crosby was served with a certified copy of the Complaint and Warrant and Monition via his attorney, J. Thomas Kerner, Esquire, 230 Commercial Street, 1st Floor, Boston,

Massachusetts 02109. A copy of the receipt and return for service is attached as Exhibit D.

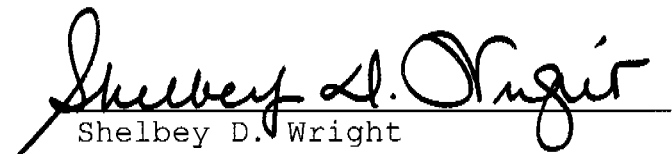
9. Under Supplemental Rule (C)(6), any person asserting an interest in the Sailboat is required to file a claim within thirty (30) days after process has been executed and an answer within twenty (20) days after the filing of the claim.

10. On or about February 28, 2005, attorney J. Thomas Kerner, on behalf of Claimant Harry E. Crosby, filed a Verified Claim and Answer to the Complaint.

11. To date, no other claims to the Sailboat or answers to the Complaint have been filed and the time for filing such claims and answers has expired.

12. To the best of my knowledge, and upon information and belief, neither Gregory Olaf Anderson, Ralph Anderson, nor anyone else with an interest in the Sailboat is in the military service of the United States, is an infant, or is incompetent.¹

Signed under the pains and penalties of perjury this 4th day of May, 2005.


Shelbey D. Wright
Assistant U.S. Attorney

¹In order to determine Gregory Olaf Anderson's and Ralph Anderson's military status, the United States searched the Department of Defense Manpower Data Center using Gregory Olaf Anderson's and Ralph Anderson's name and Social Security Number.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER Case No. 05-10192-RWZ	
DEFENDANT ONE STAR CLASS SLOOP SAILBOAT BUILT IN 1930 WITH HULL NUMBER 721, NAMED "FLASH II"		TYPE OF PROCESS Complaint and Warrant & Monition	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN PUBLICATION		
	ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)		

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285
Shelbey D. Wright, Assistant U.S. Attorney United States Attorney's Office John Joseph Moakley United States Courthouse 1 Courthouse Way, Suite 9200 Boston, MA 02210	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Please publish the attached Notice of Libel at least once for three (3) successive weeks in the Boston Herald or any other newspaper of general circulation in the District of Massachusetts, in accordance with the attached Verified Complaint and Warrant & Monition.

LJT x3283

Signature of Attorney or other Originator requesting service on behalf of: <u>Shelbey D. Wright / LJT</u>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (617) 748-3100	DATE February 9, 2005
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. _____	District of Origin No. <u>38</u>	Disables to Serve No. <u>38</u>	Signature of Authorized USMS Deputy or Clerk <u>William J. Ryan</u>	Date <u>2/11/05</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).				<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.		
Address (complete only if different than shown above)				Date of Service <u>5/3/05</u>	Time am pm	
				Signature of U.S. Marshal or Deputy <u>William J. Ryan</u>		
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or	Amount or Refund

REMARKS:
Advertised in the Herald on 2/15/05, 2/22/05 + 3/1/05

U.S. Department of Justice
 United States Marshals Service

PUBLIC VOUCHER FOR ADVERTISING

DEPARTMENT OR ESTABLISHMENT, BUREAU OR OFFICE
 United States Marshals Service

PLACE VOUCHER PREPARED
 Boston, MA

NAME OF PUBLICATION
 Boston Herald

NAME OF PUBLISHER OR REPRESENTATIVE
 Legal Department

ADDRESS (Street, room number, city, State, and ZIP code)
 One Herald Square Boston, MA

DATE PREPARED

2/11/05

For Agency Use Only

VOUCHER NUMBER

SCHEDULE NUMBER

PAID BY

CHARGES

TYPEFACE	(size of type)	POINT PER			(inch, square, word, or folio)
		NUMBER OR LINES (Indicate estimated or space)	COST PER LINE	TOTAL COST	
Line Rates	FIRST INSERTION	2/15/05 110	\$ 3.49	\$ 383.90	
	ADDITIONAL INSERTIONS GIVE NUMBER	2 220	\$ 3.49	\$ 767.80	
	TOTAL	3		\$ 1151.70	
Other Rates	(size of type)	POINT PER			(inch, square, word, or folio)
		NUMBER OR UNITS (Indicate inch, square, word, folio)	COST PER LINE	TOTAL COST	
Other Rates	FIRST INSERTION		\$	\$	
	ADDITIONAL INSERTIONS GIVE NUMBER				
	TOTAL				

Attach one copy of advertisement (including upper and lower rules) to each copy of voucher here. If copy is not available sign the following affidavit.

TOTAL LINE RATES AND OTHER RATES

LESS DISCOUNT AT %

BALANCE DUE \$

VERIFIED (Initials)

AFFIDAVIT

This represents a true billing for the attach advertising order, with specifications and copy, which has been completed.

SIGNATURE OF PUBLISHER OR REPRESENTATIVE

TITLE

DATE

3/2/05

FOR AGENCY USE ONLY

ADVERTISEMENT PUBLISHED IN

DATE PUBLISHED

I certify that the advertisement described above appeared in the named publication and that this account is correct and eligible for payment.

SIGNATURE AND TITLE OF CERTIFYING OFFICER

DATE

SIGNATURE AND TITLE OF AUTHORIZING OFFICER

DATE

ACCOUNTING CLASSIFICATION

05 DEA-440507

PAID BY CHECK NUMBER

Attest
Michelle L. O'Neill
Executive Secretary
Feb 19, 2012

Jobfind works. In print and online.

Figure 1

From Cape Cod's exotic locales, the Boston Herald's Travel section the premier source of information on making the most of your trip.

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Commissioner
of the

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U.S. Department of Justice
United States Marshals Service

Case 1:05-cv-10192-WGY

Document 12

PROCESS RECEIPT AND RETURN

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER Case No. 05-10192-RWZ
DEFENDANT ONE STAR CLASS SLOOP SAILBOAT BUILT IN 1930 WITH HULL NUMBER 721, NAMED "FLASH II"	TYPE OF PROCESS Complaint and Warrant & Monition

SERVE
AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

Gregory Olaf Anderson

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

321 West Arcade Avenue, Clewiston, FL 33440

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served
with this Form - 285

Number of parties to be served
in this case

Check for service on U.S.A.

Shelbey D. Wright, Assistant U.S. Attorney
United States Attorney's Office
John Joseph Moody United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Please serve the attached Verified Complaint and Warrant & Monition, upon the above-referenced individual by certified mail, return receipt requested.

05-DEA-442507

LJT x3283

Signature of Attorney or other Originator requesting service on behalf of:

Shelbey D. Wright/LJT

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

(617) 748-3100

DATE

February 9, 2005

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. _____	District of Origin No. <u>38</u>	District to Serve No. <u>38</u>	Signature of Authorized USM Deputy or Clerk <i>[Signature]</i>	Date <u>2/10/05</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

2/28/05

Time

am

pm

Signature of U.S. Marshal or Deputy

[Signature]

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or	Amount or Refund
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REMARKS:

2/11 Certify #7002 0510 0024 1358 2079
2/18/05 Delivery Date

PRIOR EDITIONS MAY
BE USED

1. CLERK OF THE COURT

FORM U

☐ USMS RECORD ☒ NOTICE OF SERVICE ☐ BILLING STATEMENT ☐ ACKNOWLEDGMENT OF RECEIPT

GOVERNMENT
EXHIBIT

B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gregory Olaf Anderson
321 West Arcade Ave.
Clewiston, FL 33440

2. Article Number

(Transfer from ser

7002 0510 0004 1358 2079

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Bennie Byrd*☐ Agent☐ Addressee

B. Received by (Printed Name)

Bennie Byrd

C. Date of Delivery

2/18/05

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER Case No. 05-10192-RWZ
DEFENDANT ONE STAR CLASS SLOOP SAILBOAT BUILT IN 1930 WITH HULL NUMBER 721, NAMED "FLASH II"	TYPE OF PROCESS Complaint and Warrant & Monition

SERVE
AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

Ralph Anderson

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

Marblehead Trading Company, 89 Front Street, Marblehead, MA 01945

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served with this Form - 285

Shelbey D. Wright, Assistant U.S. Attorney
United States Attorney's Office
John Joseph Moalloy United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Please serve the attached Verified Complaint and Warrant & Monition, upon the above-referenced individual by certified mail, return receipt requested.

05-DEA-442507

LJT x3283

Signature of Attorney or other Originator requesting service on behalf of:

Shelbey D. Wright/LJT

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

(617) 748-3100

DATE

February 9, 2005

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	No. _____	No. 38	No. 38	<i>Wright/LJT</i>	2/10/05

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

2/28/05

Time

am

pm

Signature of U.S. Marshal or Deputy

Wright/LJT

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or	Amount or Refund

REMARKS:

2/11/05 Certify # 7002 0510 0004 1358 2058
2/14/05 Delivery Date

PRIOR EDITIONS MAY BE USED

1. CLERK OF THE COURT

FORM U

☐ USMS RECORD ☒ NOTICE OF SERVICE ☐ BILLING STATEMENT ☐ ACKNOWLEDGMENT OF RECEIPT
GOVERNMENT
EXHIBIT

C

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ralph Anderson
Marblehead Trading Co.
89 Front Street
Marblehead, MA 01945

2. Article Number

(Transfer from service label)

7002 0510 0004 1358 2055

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Ralph Anderson☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2-14-5

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER Case No. 05-10192-RWZ
DEFENDANT ONE STAR CLASS SLOOP SAILBOAT BUILT IN 1930 WITH HULL NUMBER 721, NAMED "FLASH II"	TYPE OF PROCESS Complaint and Warrant & Monition

**SERVE
AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
J. Thomas Kerner, Esquire
ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)
230 Commercial Street, 1st Floor, Boston, MA 02109

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Shelbey D. Wright, Assistant U.S. Attorney
United States Attorney's Office
John Joseph Moalloy United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

Number of process to be served
with this Form - 285

Number of parties to be served
in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, AD Telephone Numbers, and Estimated Times Available For Service)

Please serve the attached Verified Complaint and Warrant & Monition, upon the above-referenced individual by certified mail, return receipt requested.

05-DEA-44257
LJT x3283

Signature of Attorney or other Originator requesting service on behalf of:

Shelbey D. Wright / LJT

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

(617) 748-3100

DATE

February 9, 2005

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process
No. _____

District of Origin
No. **38**

District to Serve
No. **38**

Signature of Authorized USMS Deputy or Clerk

Michael H. May

Date

2/10/05

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

2/16/05

Time

am

pm

Signature of U.S. Marshal or Deputy

Michael H. May

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount Owed to US Marshal or

Amount or Refund

REMARKS:

2/11/05 Certify # 7002 0510 0004 1358 2062
2/14/05 Delivery Date


PRIOR EDITIONS MAY
BE USED

1. CLERK OF THE COURT

FORM U

☐ USMS RECORD ☒ NOTICE OF SERVICE ☐ BILLING STATEMENT ☐ ACKNOWLEDGMENT OF RECEIPT



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <u>2/14/05</u></p>
<p>1. Article Addressed to:</p> <p>J. Thomas Kerner, Esquire 230 Commercial St., First Floor Boston, MA 02109</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <u>7002 0510 0004 1358 2062</u></p> <p><small>(Transfer from back of mailpiece)</small></p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540